

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ORISKA CORPORATION,

Plaintiff,

-v-

BAY CENTER FOR NURSING AND
REHABILITATION, et al.,

Defendants.
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21-cv-762 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

The class representative of a class defendant of employees of employer defendants (the “Class Defendant”) initiated proceedings in this Court by a notice of removal of several separate state court actions. Dkt. No. 1. A separate group of defendants (the “Moving Defendants”) moved to remand the case to state court on the ground that the Class Defendant had failed to get consent from all Defendants to remove the case, that the removal notices were on causes of action that were not pleaded in all of the state court actions, that the Class Defendant had improperly attempted to remove separate state court actions into a single federal case, and that the Class Defendant had attempted to remove cases which had already been removed to the Northern District of New York. Dkt. No. 5.

On August 1, 2021, Plaintiff filed a motion to remand the case, supported by a Declaration that the action had become moot because the underlying state court action is in the process of being discontinued by Plaintiff pursuant to N.Y. C.P.L.R. § 3217. Dkt. No. 21. The Class Defendants have filed a letter agreeing that the removed actions are now moot and that they do not oppose the motion to remand the actions to state court for discontinuance. Dkt. No. 24. Because all parties agree that the case should be remanded, the request for a remand is GRANTED. The Clerk of Court is respectfully directed to close the motion at Dkt. No. 21 and to close the case.

SO ORDERED.

Dated: October 1, 2021
New York, New York



LEWIS J. LIMAN
United States District Judge